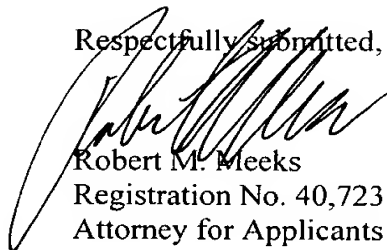


### REMARKS

Applicants appreciate the Examiner's thorough examination of the present application, including the withdrawal of the finality of the rejections of the Office Action of June 4, 2003 and the continued indication of the allowance of Claims 62-69 and 77 and the potential allowability of Claims 74 and 75. Applicants have amended independent Claim 58 to recite that the second metal oxide layer is a *non-conductive* metal oxide layer, such as a  $\text{Al}_2\text{O}_3$ ,  $\text{TiO}_2$ ,  $\text{ZrO}_2$ ,  $\text{Ta}_2\text{O}_5$  or  $\text{CeO}_2$  layer. This amendment further highlights patentable distinctions between the claims and U.S. Patent No. 6,204,158 to Hendrix et al. (hereinafter "Hendrix"), which shows formation of a conductive top electrode (which may be a conductive metal oxide, such as  $\text{IrO}_x$ ,  $\text{RhO}_x$ ,  $\text{OsO}_x$ ,  $\text{ReO}_x$  or  $\text{WO}_x$ ) on an annealed scavenger layer. This is reflective of the contrast between Hendrix, which describes formation of an electrode for a ferroelectric capacitor, and the claimed invention, which relates to formation of a protective structure for a ferroelectric region. For at least these reasons, Applicants submit that independent Claim 58 is patentable over Hendrix, and that Claims 59-61 and 70-72 are patentable at least by virtue of depending from patentable independent Claim 58.

Applicants submit that all of the claims are now in condition for allowance, and respectfully request allowance of the claims and passing of the application to issue in due course. Should any formal issues remain to be resolved, Applicants urge the Examiner to contact Applicants' undersigned representative at (919) 854-1400.

Respectfully submitted,

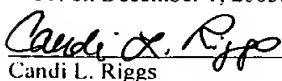


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### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 1, 2003.



Candi L. Riggs

Date of Signature: December 1, 2003